

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Application of IRON WORKERS
ONTARIO PENSION FUND and LEONARD
SCHWARTZ,

Petitioner,

for an order to conduct discovery for use in a
foreign proceeding.

16 MISC 127

ORDER TO SHOW CAUSE FOR
ORDER PURSUANT TO
28 U.S.C. § 1782

Upon the declaration of Daniel E.H. Bach executed on March 23, 2016 together with the exhibits thereto and the accompanying memorandum of law, it is

ORDERED, that Marc Costantini (the "Proposed Deponent," a former employee of Manulife Financial Corporation and current employee of The Guardian Life Insurance Company of America, New York) show cause before the Part I judge of this Court, at Room 14C, United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on April 15, 2016 at 2:45 o'clock in the After noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to 28 U.S.C. § 1782, the Federal Rules of Civil Procedure and the Rules of this Court as follows:

1. Authorizing petitioners Ironworkers Ontario Pension Fund and Leonard Schwartz ("Petitioners") to take discovery from the Proposed Deponent for use in a lawsuit pending in the Ontario Superior Court of Justice in Toronto, Ontario, Canada, styled *Ironworkers Ontario Pension Fund, et. al. v. Manulife Financial Corporation, et. al.*, Court File No. CV-09-383998-00CP, by issuing and serving a document and deposition subpoena in substantially the form attached hereto as Exhibit 1 upon the Proposed Deponent;

2. Directing the Proposed Deponent to comply with such subpoenas in accordance with the Federal Rules of Civil Procedure and the Rules of this Court;
3. Appointing Ralph M. Stone and Susan M. Davies to issue, sign and serve such subpoenas, and ordering that deposition testimony in this matter may be taken before any certified court reporter authorized to take testimony and administer oaths in the State of New York, and that such court reporters are hereby authorized to take testimony in this matter; and
4. Providing that this Court shall retain such jurisdiction as is necessary to effectuate the terms of such subpoenas; and it is further

ORDERED that personal service of a copy of this order, the accompanying declaration of Daniel E.H. Bach and the accompanying memorandum of law upon the Proposed Deponent before 5 o'clock in the ~~even~~ noon of March 31, 2016, by Hand Delivery, shall be deemed good and sufficient service thereof; and it is further

ORDERED that written responses to the subpoena and this Order to Show Cause shall be served on Petitioners' counsel, Ralph M. Stone, Stone Bonner & Rocco LLP either at 145 West 45th Street, Suite 701, New York, New York 10036 or via e-mail at rstone@lawssb.com and filed with the Court no later than April 11, 2016, and Petitioners shall have until April 13, 2016 to serve and file any reply. Courtesy copies of all papers must be provided for the judge's chambers.

DATED: March 28, 2016

SO ORDERED.


United States District Judge

Amor, R

SPJ